

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

OCT 26 2006

Case No. 5577
Date Filed 10/19/06
Hearing Date _____
Receipt _____
Fee \$50.00

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☒ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5577 MAP 17 TYPE Variance ELECTION DISTRICT 05
LOCATION 219 Davis Road, Street 21154
BY Donald and Frances Hutchins
Appealed because a variance pursuant to Sec. 267-34(C) Table II of the Harford
County Code to permit a sunroom to maintain a minimum rear yard setback of 59'
(80' required) in the AG District, requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name DONALD HUTCHINS Phone Number 443-243-0056
Address 219 DAVIS RD STREET MD 21154
Street Number Street City State Zip Code

Co-Applicant FRANCES M HUTCHINS Phone Number 410 452-5050
Address SAME
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 219 DAVIS RD, STREET, MD 21154

Subdivision GENEVA FARM Lot Number 15

Acreage/Lot Size 2.01 Election District DS Zoning AG

Tax Map No. 17 Grid No. 2C Parcel 301 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: 1 STORAGE SHED

Estimated time required to present case: 15 MIN.

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

11 FOOT MINOR VARIANCE TO INCLOSE EXISTING
PATIO ON BACK OF HOUSE.

Justification

SEPTIC RESERVE IS LOCATED ON BOTH SIDES
OF HOUSE. THE ONLY SPACE TO ADD LIVING AREA
IS ON THE EXISTING PATIO. GENEVA FARMS
GOLF COURSE HAS GRANTED APPROVAL TO BUILD
SUNROOM.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

September 12, 2006.

Mr. John S. Davis, President
Geneva Farm Golf Course, Inc.
217 Davis Road
Street, MD 21154

Re: 219 Davis Road

Dear Mr. Davis:

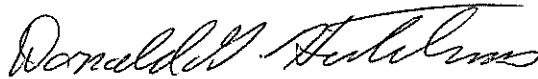
As owners of the above-referenced property, we respectfully request your approval of an addition to same which will include an 18x14 pergola, a 16x26 sunroom, and a 7x22 portico. An architect's renderings are provided for your review.

We are requesting your approval due to an encroachment of the setback requirements, as required by Harford County Zoning.

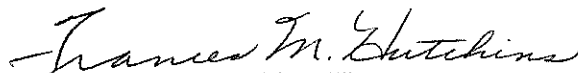
Your signature below will provide Harford County Zoning with the necessary approval.

Thanking you, in advance, for your consideration, we remain,

Very truly yours,



Donald G. Hutchins, Homeowner

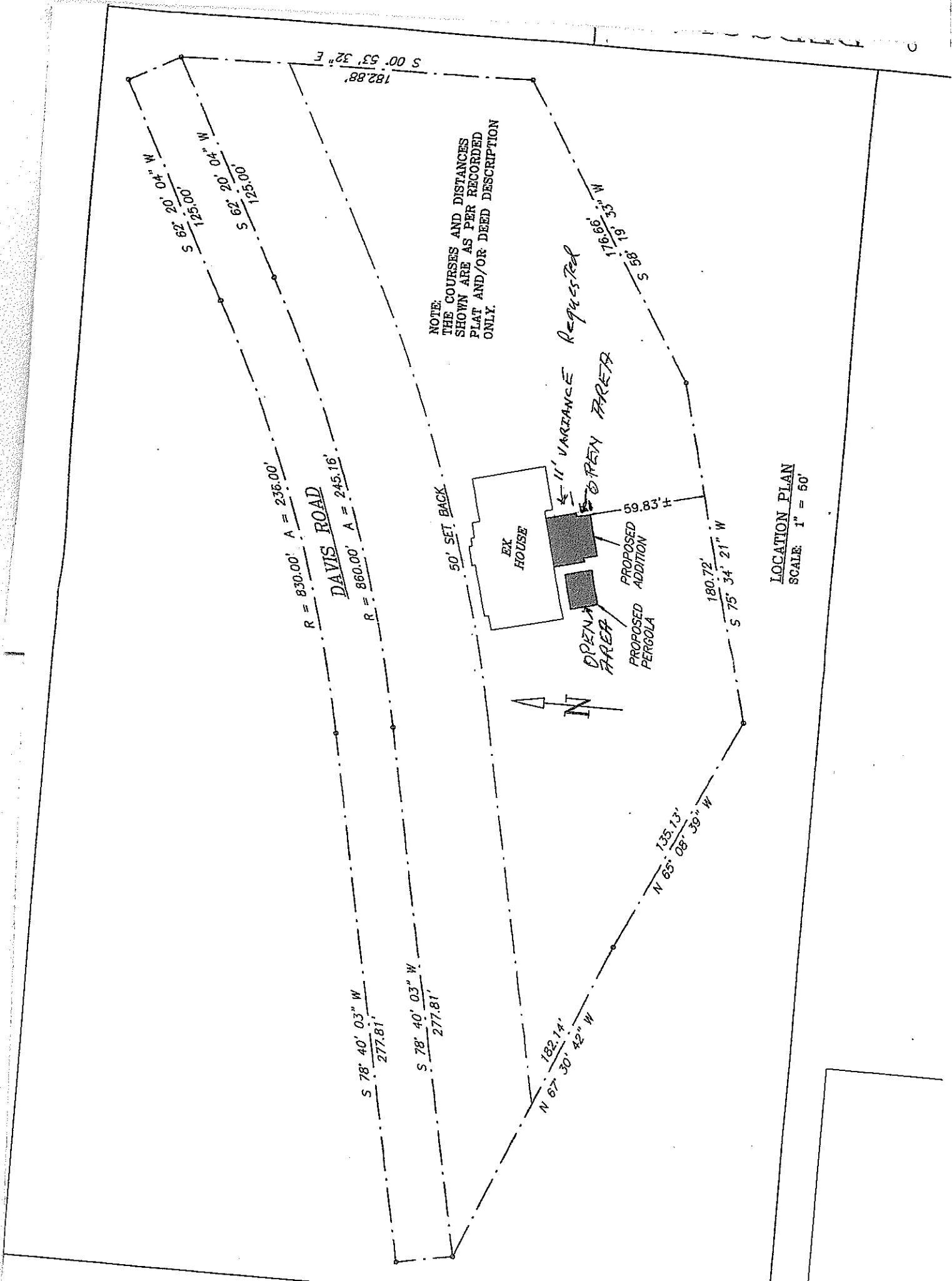

Frances M. Hutchins, Homeowner

I hereby grant approval for the above homeowners to build the above-mentioned improvements to said property.



John S. Davis, President
Geneva Farm Golf Course, Inc.
410-836-8816/893-1114

9-18-06
Date Signed



DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING AND ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

December 11, 2006

STAFF REPORT

BOARD OF APPEALS CASE NO. 5577

APPLICANT/OWNER: Donald Hutchins
219 Davis Road, Street, Maryland 21154

Co-APPLICANT: Frances M. Hutchins
219 Davis Road, Street, Maryland 21154

REPRESENTATIVE: Applicant

LOCATION: 219 Davis Road – Geneva Farms
Tax Map: 17 / Grid: 2C / Parcel: 301 / Lot: 15
Election District: Five (5)

ACREAGE: 2.01

ZONING: AG/Agricultural

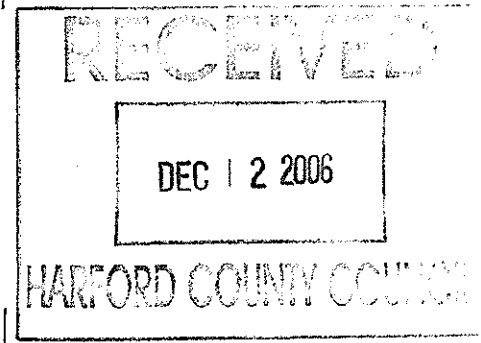
DATE FILED: October 19, 2006


HEARING DATE: December 18, 2006

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

“11 foot minor variance to enclose existing patio on back of house.”



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THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

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Donald & Frances M. Hutchins

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Justification:

"Septic reserve is located on both sides of house. The only space to add living area is on the existing patio. Geneva Farms Golf Course has granted approval to build sunroom."

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-34(C), Table II of the Harford County Code to permit a sunroom to maintain a minimum rear yard setback of 59 feet (80 feet required) in the AG/Agricultural District.

Enclosed with the report is a copy of Section 267-34(C), Table II of the Harford County Code (Attachment 1).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants property is located in the northern portion of the County. It is located on the south side of Davis Road between Rocks Road (Md. Route 24) and Grier Nursery Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located outside of the Development Envelope. The predominant land use designation in the area is Agricultural. The Natural Features Map reflects Deer Creek Scenic River District, Sensitive Species Project Review Areas, Stream Systems and farms in Agricultural Preservation Districts and Easements. The subject property is designated as Agricultural which is defined by the 2004 Master Plan as:

Agricultural – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in the area are consistent with the intent of the Master Plan. The predominant land use is Agriculture which includes cropland, pastureland and large areas of dense woodland. A large portion of the farms in this area of the County are in Agricultural Preservation Easements (Attachment 6). The lot is adjacent to the Geneva Farm Golf Course.

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Donald & Frances M. Hutchins

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The topography in this area of the County ranges from rolling to steep especially within the stream valleys and their many tributaries. A topography map and a copy of the aerial photograph are enclosed with the report (Attachments 7 and 8).

The Applicant's property is 2.018 acres in size and is a long narrow lot. The lot has over 600 feet of road frontage and is only 180+/- feet deep. The existing house is located at the minimum required rear yard setback. Due to the shape of the lot and the split septic reserve areas, the property has a very limited building envelope. The property backs up to the Geneva Farm Golf Course. There is a maintenance road for the golf course that borders the rear of the property. Improvements consist of a brick single family dwelling with an attached 3 car garage. The topography of the lot is sloping to gently rolling. Other improvements include a concrete driveway and parking area, a concrete patio attached to the rear of the dwelling and a frame utility building. The sunroom enclosure would be located over the existing patio. The property is nicely landscaped and all of the improvements appear to be well maintained. Enclosed with the report is a copy of the recorded plat, site photographs and an enlargement of the aerial photograph (Attachments 9, 10, 11).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural which includes the subject property. Enclosed with the report is a copy of the zoning map (Attachment 12).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-34(C), Table II of the Harford County Code to permit a sunroom to maintain a minimum rear yard setback of 59 feet (80 feet required) in the AG/Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the property is unique. The lot is long and narrow. The dwelling sits in the center of the lot with a septic reserve area on each side of the dwelling. The well is located in the front yard. There is currently a concrete patio attached to the rear of the dwelling. The addition will be placed over the patio. The dwelling backs up to the Geneva Farm Golf Course. The proposed room addition will have no impact on the golf course property. The proposed addition is consistent with other structures in the area. The request will not adversely impact the neighborhood or the intent of the Code.

STAFF REPORT

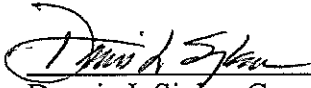
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Donald & Frances M. Hutchins


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RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the Applicant obtaining all necessary permits and inspections for the construction of the addition.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/dm